IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 13912 of 2005

Between:

Eri Mary, W/o.Jayanna,
R/o.Rangasamudram Village, Porumamilla, Kadapa district.

..... PETITIONER

AND

1 The Joint Collector, Kadapa, Kadapa district.
2 The Revenue Divisional Officer, Rajampet Division, Kadapa district.
3 The Mandal Revenue Officer, Porumamilla Mandal, Kadapa district.
4 R.Ramachandrudu, S/o.Sreeramulu,
Porumamilla Village & Mandal,Kadapa district.

...RESPONDENTS

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 13912 OF 2005

ORDER:

1. This writ petition has been filed by Eri Mary with a prayer to issue a writ, order or direction, particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing Proc.Ref.B/306/2004, dated 31-05-2005 in canceling the DKT Patta of the petitioner and directing the 3rd respondent to evict the petitioner from her lands in over an extent of Ac.2-00 in Sy.No.532/1 of Rangasamudram village, Porumamilla Mandal, Kadapa District, as arbitrary, illegal and unjust.

2. The writ petitioner claims that she is in possession of Ac.2-00 in Survey No. 532/1 of Rangasamudram village. It is her grievance that the Revenue Divisional Officer, Rajampet Division, Kadapa District-2nd respondent issued proceedings Ref.B/ 306/ 2004 dated 31-5-2005 cancelling the DKT Patta of the petitioner and resuming the

same to the Government without issuing notice to her.

3. Heard the learned counsel for the petitioner and learned Government Pleader for Assignment for Respondents No. 1 to 3 and Sri L.J.Veera Reddy learned counsel appearing for 4th respondent.

4. The learned counsel for the petitioner submits that the 2nd respondent passed the impugned proceedings without issuing notice to the writ petitioner and therefore, the impugned order is in violation of principle of natural justice. In support of her submission, she refers notice dated 4-2-2005 where under effected persons are required to be present for enquiry on 4-4-2005 at 3-00 p.m. The notice is placed on record. The name of the writ petitioner does not find place in the said notice. It goes without saying that notice with regard to the enquiry of the cancellation of the assignment is not given to the writ petitioner. The impugned order also does not indicate of any such notice being served on the writ petitioner. Such is the case, the impugned order, insofar as writ petitioner is concerned, is in violation of the principle of natural justice.

5. Therefore, the impugned order, so far as the writ petitioner is concerned, is set aside. The 2nd respondent is at liberty to proceed with the enquiry with regard to the cancellation of the assignment, after issuing due notice to the petitioner, in accordance with law.

6. Accordingly, the writ petition is allowed. No order as to costs.

B.Seshasayana Reddy,J

26th July, 2005.

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this the twenty sixth day of July two thousand and five.

ASSISTANT REGISTRAR

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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W.P.No. 13912 OF 2005

26th July, 2005.